



From:

T-364 P.01 Job-336

McDonnell Boehnen Hulbert & Berghoff
Law Offices

Fax transmittal

To Examiner Brian Sines Date October 1, 2003
Company United States Patent and Trademark
Office, Group Art Unit 1743 From Kevin E. Noonan
Fax 1-703-746-3981 Direct 312-913-2145
Phone
Pages, 14 Email Noonan@mbhb.com
with cover
C/M
Re

Patent Application Serial No. 09/989,582
Attorney Docket No. 95,1408-JJJ

MESSAGE: Please deliver to Examiner Sines as soon as possible.

Responsive to an informal telephone interview initiated by Examiner Sines, Applicants transmit herewith a copy of an Information Disclosure Statement and corresponding PTO Form 1449, previously submitted on April 23, 2002. Applicants understand that Examiner Sines has considered the references contained in the IDS, but that the IDS paper and accompanying 1449 form are missing from the file. Applicants respectfully ask the Examiner to initial the 1449 form for all references he considered, and send a copy to them, either with the Notice of Allowance or by separate facsimile to (312) 913-0002.

Certificate of Facsimile Transmission: The undersigned attorney hereby certifies by his signature below that the Information Disclosure Statement was sent by facsimile to the above-identified facsimile number on Wednesday the 1st day of October 2003.

Respectfully submitted,

Kevin E. Noonan
Reg. No. 35,303
McDonnel Boehnen Hulbert & Berghoff

300 South Wacker Drive 312 913 0001 phone
Chicago, Illinois 60606-6709 312 913 0002 fax
www.mbhbw.com

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 95,1408-JJJ)

In the Application of:)
)
 Mian et al.)
)
 Serial No.: 09/989,582)
)
 Filing Date: November 20, 2001)
)
 For: Devices and Methods for Using)
 Centripetal Acceleration to Drive Fluid)
 Movement in a Microfluidics)

Examiner:

Group Art Unit: 1641

TRANSMITTAL LETTER

Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Information Disclosure Statement;
 - b) PTO Form 1449 and cited references;
 - c) Return postcard
2. With respect to fees:
 - a) No fees are required
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490. A duplicate copy of this letter is enclosed.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on April 23, 2002.

Date: 23 April 2002

Respectfully submitted,

Kevin E. Noonan, Ph.D.
 Registration No. 35,303

McDonnell Bochnen Hulbert & Berghoff
 300 South Wacker Drive
 Chicago, IL 60606
 (312)913-0001



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 95,1408-JJJ)

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Mian et al.

Serial No.: 09/989,582

Filing Date: November 20, 2001

For: Devices and Methods for Using
Centripetal Acceleration to Drive Fluid
Movement in a Microfluidics

Examiner:

Group Art Unit: 1641

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56.

Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief be in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned attorney by his signature hereby authorizes any such fee to be debited from

Deposit Account 13-2490.

If any of the references are incomplete the Examiner is cordially invited to contact the undersigned by telephone (312) 913-0001.

US Patent Documents

1. Salatiello et al., U.S. Patent No. 4,729,862, issued July 21, 1981
2. Ekins, U.S. Patent No. 4,381,291, issued April 26, 1983
3. Klose et al., U.S. Patent No. 4,515,889, issued May 7, 1985
4. Edelmann et al., U.S. Patent No. 4,676,952, issued June 30, 1987
5. Ekins, U.S. Patent No. 4,745,072, issued May 17, 1988
6. Kopf-Sill et al., U.S. Patent No. 5,160,702, issued November 3, 1992
7. Ekins, U.S. Patent No. 5,171,695, issued December 15, 1992
8. Burtis et al., U.S. Patent No. 5,173,262, issued December 22, 1992
9. Burtis et al., U.S. Patent No. 5,242,803, issued September 7, 1993
10. Burd, U.S. Patent No. 5,409,665, issued April 25, 1995
11. Buhl et al., U.S. Patent No. 5,413,732, issued May 9, 1995
12. Tabata et al., U.S. Patent No. 5,432,009, issued July 11, 1995
13. Schembri, U.S. Patent No. 5,472,603, issued December 5, 1995
14. White, U.S. Patent No. 5,006,749, issued April 9, 1991
15. Kroy et al., U.S. Patent No. 5,252,294, issued October 12, 1993
16. Wilding et al., U.S. Patent No. 5,304,487, issued April 19, 1994
17. Madou et al., U.S. Patent No. 5,368,704, issued November 29, 1994
18. Negersmith et al., U.S. Patent No. 3,679,367, issued July 25, 1972
19. Kazlauskas et al., U.S. Patent No. 4,940,527, issued July 10, 1990

- 20 Klose et al., U.S. Patent No. 4,515,889, issued May 7, 1985
 - 21 Phillips et al. U.S. Patent No. 5,426,032, issued June 20, 1995
 - 22 Guigan, U.S. Patent No. 4,154,793, issued May 15, 1979
 - 23 Burd et al., U.S. Patent No. 5,186,844, issued February 16, 1993
 - 24 Braynin et al., U.S. Patent No. 5,122,284, issued June 16, 1992
 - 25 Burd et al., U.S. Patent No. 5,304,348, issued April 19, 1994
 - 26 Burd et al., U.S. Patent No. 5,457,053, issued October 10, 1995
 - 27 Bernstein et al., U.S. Patent No. 5,478,750, issued December 26, 1995
 - 28 Schembri et al., U.S Patent No. 5,591,643, issued January 7, 1997
 - 29 Burd et al., U.S. Patent No. 5,518,930, issued May 21, 1996
 - 30 Schembri et al., U.S. Patent No. 5,472,603, issued December 5, 1995
 - 31 Schembri, U.S. Patent No. 5,693,233, issued December 2, 1997
 - 32 Kelton et al., U.S. Patent No. 5,496,520, issued March 5, 1996
 - 33 Burd, U.S. Patent No. 5,061,381, issued October 29. 1991
 - 34 Braynin et al., U.S. Patent No. 5,242,606, issued September 7, 1993
 - 35 Schembri, U.S. Patent No. 5,403,415, issued April 4, 1995
 - 36 Schembri, U.S. Patent No. 5,173,193, issued December 22, 1992
 - 37 Chatterjee et al., U.S. Patent No. 5,275,016, issued January 4, 1994
 - 38 Buhl et al., U.S. Patent No. 5,624,567, issued April 29, 1997
 - 39 Schembri, U.S. Patent No. 5,599,411, issued February 4, 1997
- cember 31, 1996
- 41 Cottingham, U.S. Patent No. 5,639, 428, issued June 17, 1997

Foreign Patents Documents

- 42 International Patent No. WO 93/22053, published November 11, 1993
- 43 International Patent No. WO 93/22058, published November 11, 1993
- 44 European Patent No. 417,305, published March 20, 1991
- 45 European Patent No. 616,218, published September 21, 1994
- 46 European Patent No. 305,210, published December 8, 1993
- 47 European Patent No. 322,657, published July 5, 1989
- 48 German Patent No. 4,410,224, published September 28, 1995
- 49 European Patent No. 637367 B1, published December 10, 1997
- 50 International Patent No. WO 95/33986, published December 14, 1995

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- 51 Anderson, (1968), *Anal. Biochem.*, 28: 545-562
- 52 Aoki et al., (1990), *Anal. Chem.*, 62: 2206-2210
- 53 Arquint et al., (September 1994). *Clinical Chemistry*, Vol. 40. No. 9. pp. 1805-1809
- 54 Ballantine et al., (June 1989), *Anal. Chem.*, 61/11: pp. 704-715
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- 56 Blackburn et al., (1991), *Clin. Chem.*, 37/9: 1534-1539
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- 58 Burtis et al., (1974), *Clin. Chem.*, 20: 932-941
- 59 Burtis et al., (1975), *Clin. Chem.*, 21/9: 1225-1233
- 60 Cho et al., (1982), *Clin. Chem.*, 28/9: 1961-1965
- 61 Collison et al., (April 1990), *Anal. Chem.*, 62/7: pp. 425-437

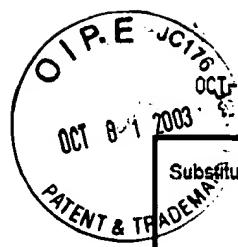
- 62 Columbus et al., (1987), Clin. Chem., 33/9: 1531-1537
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66 Foucault, (1991), Anal. Chem., 63:
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70 Hadjiaoannou et al., (1976), Clin. Chem. 22/6:802-805
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75 Linliu et al., (1994), Rev. Sci. Instrum., 65/12: 3823-3828
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79 Reijenga et al., (1983), J. Chromatography, 260: 241-254
80 Renoe et al., (1974), Clin. Chem., 20/8:955-960
81 Rosenzweig et al., (1994), Anal. Chem., 66: 1771-1776
82 Schembri et al., (1992), Clin. Chem., 38/9: 1665-1670
83 Shoji & Esashi, (1992), Sensors and Actuators, B8: 205-208
84 Veider et al., (1995), Eurosensors IX, pp. 284-286
85 Wilding et al., (1994), Automat. Analyt. Tech., 40: 43-47

86 Wilding et al., (1994), Clin. Chem., 40/1: 43-47

Date: 23 April 2002

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Kevin E. Noonan, Ph.D.
Reg. No. 35,303



OCT 01-03 15:07 From:

T-364 P.09/14 Job-336

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	6	Attorney Docket No.	95,1408-JJJ
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Complete If Known

Application No.	09/989,582
Filing Date:	November 20, 2001
First Named Inventor	Mian et al.
Group Art Unit	1641
Examiner Name	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. 1	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
		4,729,882		Salatiello et al.	July 21, 1981
		4,381,291		Ekins et al.	April 26, 1983
		4,515,889		Klose et al.	May 7, 1985
		4,676,952		Edelmann et al.	June 30, 1997
		4,745,072		Ekins	May 17, 1988
		5,160,702		Kopf-Sill	November 3, 1992
		5,171,695		Ekins	December 15, 1992
		5,173,262		Burtis et al.	December 22, 1992
		5,242,803		Burtis et al.	September 7, 1993
		5,409,665		Burd	April 25, 1995
		5,413,732		Buhl	May 9, 1995
		5,432,009		Tabata	July 11, 1995
		5,472,603		Schembri	December 5, 1995
		5,006,749		White	April 8, 1991
		5,252,294		Kroy	October 12, 1993
		5,304,487		Wilding	April 19, 1994
		5,368,704		Madou	November 29, 1994
		3,679,367		Negeramith	July 25, 1972
		4,940,527		Kazlauskas et al.	July 10, 1990
		4,515,889		Klose et al.	May 7, 1985
		5,426,032		Phillips et al.	June 20, 1995
		4,154,793		Guigan	May 15, 1979

Examiner Signature		Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English translation is attached.

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OCT 01 2003

PATENT & TRADEMARK OFFICE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	2	of	6	Attorney Docket No.	95,1408~JJJ
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Complete if Known

Application No.	09/989,582
Filing Date:	November 20, 2001
First Named Inventor	Mian et al.
Group Art Unit	1641
Examiner Name	

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		Number	Kind Code ² (if known)		
		5,186,844		Burd	February 16, 1993
		5,122,284		Braynin et al.	June 16, 1992
		5,304,348		Burd et al.	April 19, 1994
		5,457,053		Burd et al.	October 10, 1995
		5,478,750		Berstein et al.	December 26, 1995
		5,591,643		Schembri et al.	January 7, 1997
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		5,472,603		Schembri et al.	December 5, 1997
		5,693,233		Schembri	December 2, 1997
		5,496,520		Kelton et al.	March 5, 1996
		5,061,381		Burd	October 29, 1991
		5,242,606		Braynin et al.	September 7, 1993
		6,403,416		Schembri	April 4, 1995
		5,173,193		Schembri	December 22, 1992
		5,275,016		Chatterjee et al.	January 4, 1994
		5,624,597		Buhl et al.	April 29, 1997
		6,599,411		Schembri	February 4, 1997
		5,639,428		Cottingham	June 17, 1997
		8,319,469		Mian et al.	November 20, 2001

Examiner Signature		Date Considered
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Sheet	3	of	6	Attorney Docket No.	95,1408-JJJ
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. 1	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Figures Appear
		WO	93/22053	Trustees of the University of PENN	11/11/93	
		WO	93/22058	Trustees of the University of PENN	11/11/93	
		EP	417,305	A1 Idemitsu Petrochemical Co. Ltd.	3/20/91	
		EP	616,218	A1 Hitachi, Ltd.	9/21/94	
		EP	305,210	Biotrack, Inc.	12/8/93	
		EP	322,857	Miles Inc.	7/5/89	
		GER	4,410,224	Gleich Anmelder	9/28/95	
		EP	637,367	B1 ABAXIS, Inc.	12/10/97	
		WO	95/33986	ABAXIS, Inc.	12/14/95	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. 1	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Anderson, "Analytical Techniques for Cell Fractions" (1968), Anal. Biochem., 28: 545-562	
		Aoki et al., "Electrochemical Response at Microarray Electrodes in Flowing Streams and Determination of Catecholamines", (1990), Anal. Chem., 62: 2206-2210	
		Arquint et al., "Micromachined Analyzers on a Silicon Chip", (September 1994), Clinical Chemistry, Vol. 40, No. 9, pp. 1805-1809.	

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		Ballantine et al., "Surface Acoustic Wave", (June 1989), Anal. Chem., 61/11: pp. 704-715.	
		Bertrand et al., "A One-Step Determination of Serum 5'-nucleotidase using a centrifugal Analyzer", (1982), Clinica Chimica Acta, 119: 275-284.	
		Blackburn et al., "Electrochemiluminescence Detection for Development of Immunoassays and DNA Probe Assays for Clinical Diagnostics", (1991), Clin. Chem., 37/9: 1534-1539.	
		Bor Fuh et al., "Isolation of Human Blood Cells, Platelets, and Plasma Proteins by Centrifugal SPLITT Fractionation", (1995), Biotechnol. Prog., 11: 14-20.	
		Burtis et al., "Optimization and Analytical Application of the Technique of Dynamic Introduction of Liquids into Centrifugal Analyzers", (1974), Clin. Chem., 20: 932-941.	
		Burtis et al., "Development of a Multipurpose Optical System for Use with a Centrifugal Fast Analyzer", (1975), Clin. Chem., 21/9: 1225-1233.	
		Cho et al., "Development of a Multichannel Electrochemical Centrifugal Analyzer" (1982), Clin. Chem., 28/9: 1961-1965.	
		Collison et al., "Chemical Sensors for Bedside Monitoring of Critically Ill Patients" (April 1990), Anal. Chem., 62/7: pp. 425-437.	
		Columbus et al., "Architextured" Fluid Management of Biological Liquids", (1987), Clin. Chem., 33/9: 1631-1637.	
		Dessy, "Waveguides as Chemical Sensors", (October 1989), Anal. Chem., 61/19: 1079-1094.	
		Ekins et al., "Multianalyte Microspot Immunoassay. The microanalytical 'compact disk' of the future", (1992), Ann. Biol. Clin., 50: 337-353.	
		Easaki et al., "Anodic Bonding for Integrated Capacitive Sensors" (July 1992), Proc. Micro. Electro Mechanical Systems, 11: 43-48.	
		Foucault, "Countercurrent Chromatography" (1991), Anal. Chem., 63:	

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SignatureDate
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				Filing Date:	November 20, 2001
				First Named Inventor	Mian et al.
				Group Art Unit	1641
				Examiner Name	
Sheet	5	of	6	Attorney Docket No.	95,1408-JJJ

OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS					
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		Fritsche et al., "Enzymatic Endpoint Analysis of Glucose with the Hexokinase Method and the Union Carbide Fast Centrifugal Analyzer", (1975), Clin Biochem., 8: 240-246.			
		Glass et al., "Effect of Numerical Aperture on signal level in cylindrical waveguide evanescent fluorosensors" (June 1987), Appl. Optics, 26/11: 2181-2187			
		Haab et al., "Single Molecule Fluorescence Burst Detection of DNA Fragments Separated by Capillary Electrophoresis" Anal. Chem., 1995, 67, 3253-3260.			
		Hadjiioannou et al., "Automated Enzymic Determination of Ethanol in Blood, Serum, and Urine with a Miniature Centrifugal Analyzer", (1976), Clin. Chem. 22/6:802-805.			
		Heineman, "Biosensors Based on Polymer Networks Formed by Gamma Irradiation Crosslinking", (1993). App. Biochem. Biotech., 41: 87-97.			
		Ikada, "Surface Modification of Polymers for Medical Applications", (1994), Biomaterials, 15/10: 725-736.			
		Lamture et al., "Direct Detection of Nucleic Acid Hybridization on the Surface of a Charge Coupled Device", (1994), Nucleic Acids Res., 22/11: 2121-2125.			
		Lee et al., "Automated System for Fractionation of Blood Samples" (1978), Clin. Chem., 24/8: 1361-1365.			
		Linliu et al., "Development of a Centrifuge Ball Viscometer for Polymer Melts", (1994), Rev. Sci. Instrum., 65/12: 3823-3828.			
		Nakagawa et al., "A Micro Chemical Analyzing System Integrated on a Silicon Wafer", Proc. IEEE Workshop of Micro Electro Mechanical Systems, pp.89.			
		Poole et al., "Instrumental Thin-Layer Chromatography", (January 1994), Anal. Chem., 66/1: 27A-37A.			
		Reijenga et al., "Effect of Electroosmosis on Detection in Isotachophoresis", (1983), J. Chromatography, 260: 241-254.			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English translation is attached.

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Substitute for form 1449A/PTO				<i>Complete if Known</i>	
				Application No.	09/989,582
				Filing Date:	November 20, 2001
				First Named Inventor	Mian et al.
				Group Art Unit	1841
				Examiner Name	
Sheet	6	of	6	Attorney Docket No.	95,1408-JJJ

OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. 1	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
		Reno et al., "A Versatile Minidisc Module for a Centrifugal Analyzer" (1974), Clin. Chem., 20/8:955-960.
		Rosenzweig et al., "Laser-Based Particle-Counting Microimmunoassay for the Analysis of Single Human Erythrocytes" (1994), Anal. Chem., 66: 1771-1776
		Schembri et al., "Portable Simultaneous Multiple Analyte Whole-Blood Analyzer for Point-of-Care Testing" (1992), Clin. Chem., 38/9: 1665-1670
		Shoji & Esashi, "Micro flow cell for blood gas analysis realizing very small sample volume" (1992), Sensors and Actuators, B8: 205-208.
		Wilding et al., "Manipulation and Flow of Biological Fluids in Straight Channels Micromachined in Silicon" (1994), Automat. Analyt. Tech., 40: 43-47.
		Wilding et al., Manipulation and Flow of Biological Fluids in Straight Channels Micromachined in Silicon (1994), Clin. Chem., 40/1: 43-47.

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